

CIVIL SERVICE COMMISSION MINUTES

December 15, 1999

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 310 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Roy Dixon
Gordon Austin
Mary Gwen Brummitt

Absent were:

Gloria Valencia-Cothran
Sigrid Pate

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES
December 15, 1999

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway,
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
10	6,9,12	7	3,4

COMMENTS Motion by Austin to approve all items not held for discussion; seconded by Brummitt. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda

A. Commissioner Pate: Dharma Naik and Ljubisa Kostic on behalf of **Kayte Barnhill** appealing an Order of Removal from the Health and Human Services Agency.

B. Madge Blakey, Office of Labor Relations: **Caloca v. County of San Diego** (1999) Cal. App. 4th.

REGULAR AGENDA

MINUTES

1. Approval of the Minutes of the regular meeting of December 15, 1999.
Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Brummitt as hearing officer in the appeal of **Stephen Napolitano** from an Order of Termination and Charges from the Sheriff's Department.

Confirmed.

WITHDRAWALS

3. **Dianne Borgwardt**, appeal of an Order of Termination and Charges from the Assessor/Recorder/County Clerk. Commissioner Brummitt assigned.

Withdrawn.

4. **Rafael Flores**, appeal of an Order of Suspension and Charges, from the Sheriff's Department. Commissioner Gloria Valencia-Cothran assigned.

Withdrawn.

DISCIPLINES

5. Commissioner Pate: Dharma Naik and Ljubisa Kostic on behalf of **Kayte Barnhill** appealing an Order of Removal from the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - conduct unbecoming an employee of the County (brought a handgun and ammunition clip to work and showed it to another employee); Cause II - failure of good behavior; and Cause III - acts incompatible with or inimical to the public service. Employee was employed as an Eligibility Technician in HHSA for approximately 1½ years. The central facts of this matter are undisputed: Employee brought into her workplace a handgun and ammunition clip and displayed the weapon and ammunition to a coworker, and informed another coworker of that fact. On June 14, 1999 Employee was placed on administrative leave, and subsequently removed. It is concluded that Employee's conduct transcends poor judgment as it is a violation of known County Policy. Termination is an appropriate level of discipline. It is therefore recommended that (1) the Order of Removal and Charges shall be affirmed; and that the proposed decision shall become effective on the date of approval by the Civil Service Commission and that the Commission approve and file this report.

**Motion by Brummitt to approve Findings and Recommendations;
seconded by Austin. Carried.**

6. Everett Bobbitt, Esq., on behalf of **Robert Roberson** appealing an alleged punitive transfer within the Sheriff's Department.

RECOMMENDATION: Continue until the next Civil Service meeting pending input from the Sheriff's Department.

Continued.

DISCRIMINATION

7. **Pamela LaRiviere**, Library Substitute, County Library, alleging gender discrimination by the County Library. (See also No. 8 below)

RECOMMENDATION: Assign a Commissioner and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved. Commissioner Pate assigned as hearing officer.

SELECTION PROCESS

8. **Pamela LaRiviere**, Library Substitute, County Library, requesting a Rule X hearing regarding the selection process for Library Technician I in the County Library. (See also No. 7 above)

RECOMMENDATION: Hold in abeyance pending the outcome of the discrimination investigation addressed in No. 7 above.

Staff recommendation approved.

9. Douglas Olins, Esq., on behalf of **Karen Hirr, Esq., Alfred LeSane, Esq. and Dianne Wendt-Miller, Esq.** requesting a Rule X hearing regarding their non-selection for the classification of Deputy Public Defender III in the Department of the Public Defender.

RECOMMENDATION: Deny Request

Continued - as requested by Attorney Olin's office due to illness.

10. **Todd Tappe**, Correction Deputy Probation Officer I, requesting a Rule X hearing regarding the selection process for Deputy Probation Officer in the Probation Department.

RECOMMENDATION: Deny Request

Mr. Tappe addressed the Commission on two issues: (1) the timeliness of his appeal; and (2) waiver of his writing sample, which was a part of the exam process for the position.

Cecelia Vallejos, Personnel Officer for the Department, stated that the appeal was indeed untimely and represented that the Department does not grant "special favors" in its hiring process, i.e., it does not waive writing samples.

The Commission staff maintained its recommendation to deny Employee's request for a Rule X hearing primarily due to the fact that he wanted the Department to grant a "special favor" by waiving his writing sample.

Motion by Austin to approve staff recommendation; seconded by Brummitt.

11. **Frank Ortega**, Facilities Manager, Clerk of the Board of Supervisors, requesting a Rule X hearing regarding DHR=s determination that he is ineligible to compete in the selection process for Facilities Superintendent.

RECOMMENDATION: Grant Request

Staff recommendation approved; Valencia-Cothran assigned as hearing officer.

INVESTIGATIONS

12. Robert A. McLaughlin, Esq., on behalf of **Tammie O'Gorman** and **Barry O'Gorman** requesting an investigation under Civil Service Rule XI regarding her alleged constructive discharge from the Sheriff's Department.

RECOMMENDATION: Continue until the next Civil Service Commission meeting pending input from the Sheriff's Department.

Continued.

OTHER MATTERS

Extension of Temporary Appointments

13. Health and Human Services Agency

A. 6 Residential Care Worker Is (Estela Aguirre, Bertha Saenz, Lovelette De La Cruz, Heather Zelnik, Thomas Hiller, and Shirley Bernaldez)

B. 2 Social Worker Is (Hector Benos and Yvonne Morales)

C. 12 Protective Services Worker Is (Brian Ashton, Brooke Blight, Keever Czlapinski, Yvette Danilowicz, Daniel Gonzalez, Richard Hayes, Deborah Keck, Carol Lewis, Amy Stephen, Seiko Valdez, Judy Wieand, Robyn Wohl)

RECOMMENDATION: Ratify item No. 13.

Item No. 13 ratified.

14. Public Input.

ADJOURNMENT: 3:15 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE JANUARY 19, 2000.